

TODD KIM, Assistant Attorney General  
SETH M. BARSKY, Chief  
S. JAY GOVINDAN, Assistant Chief  
MICHAEL R. EITEL, Senior Trial Attorney  
KAITLYN POIRIER, Trial Attorney (TN Bar # 034394)  
U.S. Department of Justice  
Environment & Natural Resources Division  
Wildlife & Marine Resources Section  
Ben Franklin Station, P.O. Box 7611  
Washington, D.C. 20044-7611  
Telephone: (202) 307-6623  
Facsimile: (202) 305-0275  
Email: kaitlyn.poirier@usdoj.gov; michael.eitel@usdoj.gov

Attorneys for Federal Defendants

IN THE UNITED STATES DISTRICT COURT  
  
FOR THE DISTRICT OF OREGON  
  
PORTLAND DIVISION

NORTHWEST ENVIRONMENTAL  
DEFENSE CENTER, et al.,

Plaintiffs,

v.

U.S. ARMY CORPS OF ENGINEERS, et al.,

Defendants,

and

CITY OF SALEM and MARION COUNTY,

Defendant-Intervenors.

---

Case No.: 3:18-cv-00437-HZ

FEDERAL DEFENDANTS' NOTICE  
OF APPEAL

Notice is hereby given that Federal Defendants, the U.S. Army Corps of Engineers and the National Marine Fisheries Service, appeal to the United States Court of Appeals for the Ninth Circuit. Federal Defendants appeal the United States District Court for the District of Oregon's: (1) Opinion

and Order Granting Plaintiffs' Motion for Summary Judgment and Denying Federal Defendants' Motion for Summary Judgment (ECF 112); (2) Draft Order (ECF 194); (3) Minute Order Regarding Expert Panel (ECF 196); (4) Opinion and Order (ECF 212); (5) Interim Injunction (ECF 212); and (6) all subsequent Orders (ECF 220, etc.).

As the government, Federal Defendants are exempt from paying a docket fee. Circuit Rule 3-1. Pursuant to Federal Rule of Appellate Procedure 12(b) and Circuit Rule 3-2, a representation statement is attached.

Dated: October 29, 2021

Respectfully submitted,

TODD KIM, Assistant Attorney General  
SETH M. BARSKY, Chief  
S. JAY GOVINDAN, Assistant Chief

/s/ Kaitlyn Poirier

KAITLYN POIRIER, Trial Attorney (TN Bar # 034394)  
U.S. Department of Justice  
Environment & Natural Resources Division  
Wildlife & Marine Resources Section  
Ben Franklin Station, P.O. Box 7611  
Washington, D.C. 20044-7611  
Telephone: (202) 307-6623  
Facsimile: (202) 305-0275  
Email: kaitlyn.poirier@usdoj.gov

Attorneys for Federal Defendants

**CERTIFICATE OF SERVICE**

I hereby certify that on October 29, 2021, a true and correct copy of the above document was electronically filed with the Clerk of Court using CM/ECF. Copies of the document will be served upon interested counsel via the Notices of Electronic Filing that are generated by CM/ECF.

/s/ Kaitlyn Poirier

KAITLYN POIRIER, Trial Attorney (TN Bar # 034394)

U.S. Department of Justice

Environment & Natural Resources Division

Wildlife & Marine Resources Section

Ben Franklin Station, P.O. Box 7611

Washington, D.C. 20044-7611

Telephone: (202) 307-6623

Facsimile: (202) 305-0275

Email: kaitlyn.poirier@usdoj.gov

Attorney for Federal Defendants